

REMARKS

The above amendments and these remarks are responsive to the Office action dated October 24, 2006.

Prior to entry of this amendment, claims 9-26 remained pending in the application. As stated in the office action summary, claims 9-15 and 22-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Chen (6296038). Claims 17 and 26 stand rejected under 35 U.S.C. §103(a) as being obvious over Chen. Claim 16 stands objected to and would be allowable if amended to include the base claim. The Examiner restricted claims 18-21 as directed to an invention that is independent or distinct from the invention originally claimed.

Applicant respectfully traverses the rejections, and asserts that the rejected claims are not anticipated by and not obvious in view of the cited art.

Nevertheless, to expedite prosecution of the present application to issuance of a patent and to more particularly point out selected aspects of the claims, applicant has amended claims 9 and 22. Applicant has withdrawn claims 18-21 and reserves the right to rejoin these claims at a later time. Applicant reserves the right to pursue any previously cancelled claims in their original forms at a later time.

Furthermore, applicant has presented arguments showing that claims 9-17 and 22-26 are not anticipated by or obvious in view of the cited art. Accordingly, in view of the foregoing arguments and the following remarks, applicant respectfully requests reconsideration of the application under 35 USC § 1.111 and allowance of the pending claims.

Rejections under 37 C.F.R. § 102

As noted above, claims 9-15 and 22-25 are rejected under 35 USC § 102(b) as unpatentable over Chen. The Examiner cites Chen as describing a folding door with multiple hinged door panels. Applicant respectfully disagrees with the rejection, and suggest that the Chen reference fails to disclose each and every element of the rejected claims.

Claim 9 as amended states:

A frame alignment system comprising:

a frame to be positioned in a wall opening, the frame including two spaced apart, vertical components; and

a spreader with folded and unfolded positions defining at least one spreader distance for the two vertical frame components, the spreader including:

a plurality of members, the summed lengths of unfolded members defining the at least one spreader distance including **at least two member end portions configured in an unfolded spreader position to contact the vertical frame components and receive surface features of the vertical frame components, and the end portions in a folded spreader position are spaced from the vertical components;** and

at least one hinge to pivotally join each member to at least one other member.

In order to anticipate the claimed subject matter, the cited reference must disclose each and every element of the claim. Chen does not disclose nor teach end portions that are spaced from the vertical components in a folded position. Chen teaches a folding door with hinged panels of equal length. As depicted in Fig. 2 of Chen, one end of the sliding door is fixed to a supporting member. Since an end of the door is attached to a supporting member, it cannot be spaced from the supporting member.

Furthermore, Chen does not have any end portions that receive surface features of a vertical component. Chen teaches a supporting member that is configured to receive a leader end of the folding panels. This is different and distinct from the features described in the claims.

Support for amendment language in the claims is found in paragraph 20 in the Summary of the specification and in paragraph 2 in the Background of the specification.

Independent claim 22 uses similar language and similar arguments apply to claim 22. Similar arguments also apply to claims 10-17 and 23-26 dependent on independent claims 9 and 22.

For at least the foregoing reasons, claims 9 and 22 are not anticipated by Chen. Dependent claims 10-17 and 23-26 are distinguishable from Chen for at least the same reasons. Accordingly, it is submitted that these claims are in a condition suitable for allowance.

Rejections under 35 USC § 103

Claims 17 and 26 are rejected under 35 USC § 103(a) as being obvious over Chen. The Examiner suggests that for the invention to operate as intended and to move across the floor between folded and unfolded positions, the standoffs must exist.

Applicant respectfully disagrees with the Examiner's conclusion. Even without standoffs, the spreader will move between folded and unfolded positions. Further, Chen does not teach or disclose a standoff of any kind. A standoff would make the folding door of Chen inoperable.

Similar arguments as stated above for claims 9 and 22 also apply to these claims 17 and 26 which depend from them. Chen does not teach a spreader that in a folded position is spaced from vertical components.

For at least the foregoing reasons, claims 17 and 26 are not obvious in view of Chen. Accordingly, it is submitted that these claims are in a condition suitable for allowance.

In view of the amendments and remarks above, applicants respectfully request reconsideration of the application and allowance of the pending claims.

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims.

Rejoinder of Withdrawn Claims

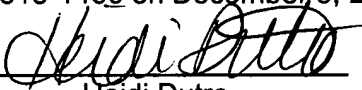
Withdrawn claim 18 has been amended to include similar language as claims 9 and 22. Similar arguments as are made above for claims 9 and 22 are made for claim 18 and claims 19-21 which depend from claim 18.

Applicant further requests, pursuant to the procedures set forth in MPEP § 821.04(a), that the restriction requirement be hereby withdrawn and claims 18-21 rejoined and fully examined for patentability under 37 CFR 1.104.

If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

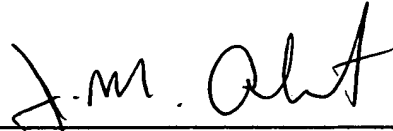
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 8, 2006.


Heidi Dutro

Respectfully submitted,

KOLISCH HARTWELL, P.C.



John M. Anderton
Registration No. 58,168
Customer No. 23581
Attorney for Applicant
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679